

family buried Jeff in his Navy dress whites a few days later in Savannah.

While Jeff completed his academic requirements to obtain his degree from the Naval Academy, unfortunately he never received his commission as an ensign even though he was mere hours away from realizing that lifelong goal. While a posthumous commission would be fitting, the Navy could find no provision for doing so.

Later this fall, Jeff Mascunana's classmates from the Benedictine Military School class of 1988 shall gather to dedicate a memorial in his honor. Further, a scholarship fund will be established in his name. The scholarship shall be awarded to a young Benedictine Cadet, enabling him to attend the Benedictine Military School that helped make Jeff Mascunana the hero that he was.

Jeff learned the values that made him such a great man from his parents and from his education. I would like to recognize Benedictine Military School, an institution that has molded leaders since its founding in 1902 in Savannah, Georgia. For over 100 years, the priests, faculty and military personnel have educated young men in the Judeo-Christian tradition of academic excellence, good moral living, respect for authority, and love of country. On these principles, Benedictine builds men of virtue and integrity, ready to serve their faith, their community, and their country.

HONORING JERRY STEVENSON

HON. TOM LATHAM

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 23, 2010

Mr. LATHAM. Madam Speaker, I rise to recognize and congratulate Jerry Stevenson of Charles City, Iowa, who recently was awarded the Pilgrim Degree of Merit by the Loyal Order of Moose.

Jerry Stevenson, who was a member of the order for 36 years, was inducted into the Pilgrim Degree of Merit for services above and beyond the call duty to the Charles City Moose Lodge and to the Loyal Order of Moose as a whole. Jerry is now among an elite group of about 3,000 members who have earned the Pilgrim Degree of Merit—the highest honor that can be given by the organization—and the coveted gold jacket that comes with it.

The Loyal Order of Moose is a fraternal and service organization founded in 1888, with nearly 800,000 men in roughly 1,800 Lodges, in all 50 states and four Canadian provinces, plus Great Britain and Bermuda.

The Loyal Order of Moose, along with other units of Moose International, supports the operation of Mooseheart Child City & School, a 1,000-acre community for children and teens in need, located 40 miles west of Chicago; and Moosehaven, a 70-acre retirement community for its members near Jacksonville, FL. Additionally, Moose Lodges conduct approximately \$50 million worth of community service annually, both through monetary donations and volunteer hours worked.

I am honored to represent Jerry Stevenson in the United States Congress. I know that my colleagues join me in congratulating Jerry and wishing him continued success.

KANSAS FEDERAL DISTRICT COURT JUDGE WESLEY BROWN STILL HEARING CASES AT AGE 103

HON. DENNIS MOORE

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 23, 2010

Mr. MOORE of Kansas. Madam Speaker, I rise today to take note of U.S. District Court Judge Wesley Brown, who is still hearing cases in his chambers in Wichita, Kansas, at the age of 103. Appointed to the federal bench by President John F. Kennedy, Judge Brown has taken senior status but still hears cases and is now the oldest sitting federal judge in the United States. I commend him to my colleagues and thank him, on behalf of all Kansans, for his decades of judicial service, which began at an age when many Americans begin contemplating retirement.

[From the New York Times, Sept. 16, 2010]

AT 103, A JUDGE HAS ONE CAVEAT: NO LENGTHY TRIALS

(By A. G. Sulzberger)

WICHITA, KS.—Judge Wesley E. Brown's mere presence in his courtroom is seen as something of a daily miracle. His diminished frame is nearly lost behind the bench. A tube under his nose feeds him oxygen during hearings. And he warns lawyers preparing for lengthy court battles that he may not live to see the cases to completion, adding the old saying, "At this age, I'm not even buying green bananas."

At 103, Judge Brown, of the United States District Court here, is old enough to have been unusually old when he enlisted during World War II. He is old enough to have witnessed a former law clerk's appointment to serve beside him as a district judge—and, almost two decades later, the former clerk's move to senior status. Judge Brown is so old, in fact, that in less than a year, should he survive, he will become the oldest practicing federal judge in the history of the United States.

Upon learning of the remarkable longevity of the man who was likely to sentence him to prison, Randy Hicks, like many defendants, became nervous. He worried whether Judge Brown was of sound enough mind to understand the legal issues of a complex wire fraud case and healthy enough to make it through what turned out to be two years of hearings. "And then," he said, "I realized that people were probably thinking the same thing 20 years ago."

"He might be up there another 20 years," added Mr. Hicks, 40, who recently completed a 30-month sentence and calls himself an admirer of Judge Brown. "And I hope he is."

The Constitution grants federal judges an almost-unparalleled option to keep working "during good behavior," which, in practice, has meant as long as they want. But since that language was written, average life expectancy has more than doubled, to almost 80, and the number of people who live beyond 100 is rapidly growing. (Of the 10 oldest practicing federal judges on record, all but one served in the last 13 years.)

The judiciary has grown increasingly reliant on semiretired senior judges—who now shoulder about a fifth of the workload of federal courts. But recently, some courts have also started taking steps that critics call long overdue to address the challenges that accompany jurists working to an advanced age.

"Attention to this area is growing in the judiciary," said Judge Philip M. Pro, a dis-

trict court judge in Las Vegas. Judge Pro leads the Ninth Circuit Wellness Committee in California, which focuses on age- and health-related issues facing judges. A similar committee is being established in the 10th Circuit, which includes Kansas.

"Most judges take pride in their work," Judge Pro said. "They certainly want to be remembered at the top of their game. But a lot of time you're not the best arbiter of that—it's hard to see it in yourself if you're having difficulties."

Lawyers and colleagues who work with him say that is certainly not the case with Judge Brown.

True, the legal community here has grown protective of him over the years. In his younger days, he was so well known for his temper—lateness, casual dress and the unacceptably imprecise word "indicate" would all set him off—that before hearings one prominent defense lawyer used to take a Valium, which he called "the Judge Brown pill."

Now, lawyers use words like "mellowed," "sweet" and "inspirational" to describe him, and one longtime prosecutor began to cry while talking about his penchant for gallows humor. "Sorry," she said. "It's just I can't imagine practicing without him."

A few years ago, when they noticed that while speaking in court Judge Brown would occasionally pause, sometimes for what seemed like minutes, lawyers, clerks and fellow judges worried that they were witnessing the beginning of a decline that would make him incapable of doing his job. But he began using an oxygen tube in the courtroom, and the pauses disappeared. (During an hourlong interview in his chambers, he paused briefly just once while trying to recall the last name of Earl Warren, the former chief justice of the United States, but he was without his oxygen tank.)

The consensus is that Judge Brown is still sharp and capable, though colleagues acknowledge that his appearance can be startling. "Physically he's changed a lot, but mentally I haven't noticed any diminution of his ability," said Judge Monti L. Belot, the former law clerk who now has his own courtroom in the same building, "Which has to be pretty unique."

Nevertheless, Judge Brown has begun making a few concessions to his age. He still hears a full load of criminal cases, but now he takes fewer civil cases, and he no longer handles any that may result in lengthy trials. He spreads his hearings throughout the week to keep his strength up, and he no longer takes the stairs to his fourth-floor chambers.

Though most federal judges could resign outright and continue to receive their full salary once they reach 65, a majority—like Judge Brown—elect to move to senior status, a type of semiretirement that allows them to continue to work at a full or reduced level. The courts have become deeply reliant on such judges to handle the caseload, but they have also struggled with how to ease out judges whose desire to keep working no longer matches their ability.

In rare circumstances, a panel of judges can vote to remove another judge because of disability, which has happened only 10 times—most recently in 1999. Or, the chief judge of the court can stop assigning the cases to the judge. More often, a trusted colleague will be enlisted to suggest retirement or reassignment to ceremonial duties, said Judge Marcia S. Krieger, a district court judge in Denver who has been surveying judges in the 10th Circuit about aging issues.

Judge Brown has taken the step of asking a few trusted colleagues, including his longtime law clerk Mike Lahey, to tell him when they believe he is no longer capable of performing his job. "And," the judge said, "I